MYSORE POLICE (SECOND AMENDMENT) BILL, 1953.

Motion to consider— (continued).

Sri M. V. RAMA RAO (Tumkur).— On a point of procedure. If we have to proceed back to this Amending Bill relating to the amendment of the Mysore Police Act, may I suggest that the Hon'ble Minister for Home Affairs should lay on the Table of the House the Judgment of the High Court to which reference is made in the Statement of Objects and Reasons. Upon the observations contained in that judgment alone, the justification for this Amendment is to be based, in the opinion of the Government. Now this case is not a reported case and the text of the Judgment is not available to members in any accessible place. Without knowing what were the points that arose, for what reasons the decision of the High Court was given and the circumstances of the case and without knowing the observations of one or the other of the learned Judges that heard that matter, it would not be correct for us to assume that the High Court required this particular form of amendment, because, that was the assumption made on the previous day. Now I should like that the Hon'ble Minister for Home Affairs should take the House into confidence by placing a copy of the Judgment on the table of the House so that members interested may look into it, and also read the text of the Judgment That is one thing.

The other thing is, he must kindly explain to us the purpose for which the Government seeks to amend the Act on the advice of the High Court. Will it not be better to include Satta or this type of gambling in the body of the Act as it now exists, instead of making a wholesale and general revision of the law and making changes in the definitions ?

*Sri H. SIDDAVEERAPPA (Minister for Home and Industries).— I have no objection to place on the table of this House copy of the Judgment of the High Court in connection with this.

Sri M. V. RAMA RAO.—Would it not be better to read the Judgment ?

Sri H. SIDDAVEERAPPA.— I will read and place for the benefit of the members, a copy of the judgment on the table of the House.

Now I have to plead guilty to a little breach. Yesterday I ought to have been a little more explicit while explaining the provisions of this Bill ; but in my extreme anxiety to push through the bill so that the Appropriation Bill may be taken up, I was a little brief. Now I will have to condone for what has happened on Saturday.

Now very many important and fundamental points have been raised by the Hon'ble Members who partook in this debate on Saturday, more particularly by my friends Sriyuts Rama Rao, Pattabhiraman and Sri Bheemappa Naik who also added weight to the points made by the Hon'ble Members. Now I feel it my duty to explain each point in detail.

Sri M. V. Rama Rao raised the question, where was the urgency for this measure, has the Government established by any facts and figures to show the urgency about this measure, what are the facts that warranted them to conclude that this Bill has to be expedited. In order to answer that, I invite the Hon'ble Member's attention to two interpellations of this House on the 17th July 1953 (Part V). They are questions Nos. 253 and 310 by Sri R. Anantaraman and V. R. Naidu, respectively. These two Hon'ble Members who hail from Bangalore City have shown in unmistakable terms how this kind of gambling, *viz.*, Satta gambling has been causing great havoc particularly to the poor and middle classes who form the bulk and backbone of society in the City of ours. With regard to that, I gave figures so far as Bangalore City alone

(SRI H. SIDDAVEERAPPA.)

is concerned; as many as 166 cases in Bangalore North and 133 in Bangalore South have been launched from April 1952 up to June 1953. The Hon'ble Members are also aware how . . . .

Sri M. V. RAMA RAO.—Are there any figures available for the year immediately preceding the period?

Sri H. SIDDAVEERAPPA.—I am sorry I have not got those figures.

Sri M. V. RAMA RAO.—Does it mean that this kind of betting started in April 1952?

Sri H. SIDDAVEERAPPA.—It means only this. It has assumed a huge proportion only during this period and it has caught the imagination of the public and it has caused grave concern to the public only very recently. That is all I can say. Any number of respectable citizens have interviewed me and told me that unless something effective is done to put an end to this kind of gaming, it is going to grow to very alarming proportions even affecting the stability of the society itself. My police officers have told me that one of the important reasons for the increase of crime, particularly house-breaking and theft and particularly property offences, is entirely due to this kind of gambling that is being played and is going on endlessly for a long time. It has assumed a very grave form. I may say, if a servant is sent to market with 4 annas in order to purchase vegetables, he would stake 2 annas in this type of gambling and then use only 2 annas for the purchase of vegetables. If children are given money to pay the school fees, they would even stake some of it and play like that. Sri Anantaraman stated the other day that clerks would be attracted to these gambling dens at a partcular hour of time. Usually this game, as I know, is indulged in the night hours. I may say that once I went in a friend's car to find out what it is and how these people are playing and I stood unnoticed for some time and I found a regular scramble going on in those areas, and saw the utter tension that would prevail when this kind of game has been indulged in. What is more, there were repeated and repeated demands made by very respectable citizens—M.L.As., Municipal Councillors, Sri Anantaraman and others bringing to the notice of the Government that they must take immediate steps and Government issued suitable instructions to the Police to be more vigilant and alert in the detection of these cases. We knew there was some lacuna in this law at the time when I got it examined and when cases were launched, and, afterwards some of them went up to the High Court and the High Court gave a verdict. What exactly is the verdict I will presently refer to; I will refer to the decision or the findings given by three Judges. It is a Judgment where we have three different Judgments from three Judges of the High Court. This is with regard to the extreme urgency of the matter.

Sri M. V. RAMA RAO.—Did the Government accept the advice of all the three Judges or only one of them?

Sri H. SIDDAVEERAPPA.—Naturally I have accepted the advice contained in the decision of the High Court, which has given a ruling that *satta* business is not an offence in the State as the law now stands. In the Judgment their Lordships have said that the law should be amended if it is to be made an offence. There are three Judges. . . . . .

Sri M. V. RAMA RAO.—Is it not better to read the whole judgment?

Mr. SPEAKER.—He has promised that he would read it and also place a copy of the same on the Table of the House.

Sri H. SIDDAVEERAPPA.—I will certainly place a copy of it on the Table of the House.

(*Interruption*).

My friends will please allow me to go on in my own humble way.

With regard to the urgency, I cannot say anything more than this. Suffice it for me to say that there is an extreme urgency for this measure. Not only is it pathetic, as Sri Anantaraman put it, but also it is bound to have very deleterious effect on society if we delay in putting it on the statute book any longer.

I will now take up the question whether in one Bill two Acts can be amended. That is a very important point that has been raised by my friend. Sir, this is a point which I have to explain to the satisfaction of the House. As can be seen, the short title of this Bill is "The Mysore Police (Second Amendment) Bill, 1953". The long title of the Bill is "A Bill further to amend the Mysore Police Act, 1908 (Mysore Act V of 1908)". It will be seen that in clause 7, there is an amendment of Section 2 of the Mysore Act XXVII of 1951. This amendment is a consequential amendment. But even otherwise, the question that was raised was—would it not be better if in the short title itself it is mentioned as the Mysore Police (Second Amendment) Bill, 1953, and also the Mysore Lotteries and Prize Competitions Control and Tax Act of 1951. That was the question raised and even a doubt was raised whether such an amendment of two Acts in one Bill would be legal.

Sri M. V. RAMA RAO.—Not by me, Sir. That point was not raised by me.

Sri H. SIDDAVEERAPPA.—My friend Sri Pattabhiraman raised that point and my friend Sri Bheemappa Naik added his weight to it.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—Added weight or voice, Sir?

Sri H. SIDDAVEERAPPA.—Your voice is stronger than your physical weight.

So far as that is concerned, it is better we know what Maxwell in the interpretation of Statutes says about it. This is the latest edition on the subject. Maxwell is reputed to be an authority on drafting of statutes. With regard to this position, this is what he says (at page 46—volume 9) :

> "The Preamble of a statute, even after repeal has been said to be a good means of finding out its meaning, and, as it were, a key to the understanding of it ; and, as it usually states, or professes to state, the general object and intention of the Legislature in passing the enactment, it may legitimately be consulted to solve any ambiguity, or to fix the meaning of words which may have more than one, or to keep the effect of the Act within its real scope, whenever the enacting part is in any of these respects open to doubt. Thus.... empowered every person who had served in the militia and was married, to set up in trade in a corporate town, as freely as soldiers might under an earlier enactment, and declared that no such militiaman should be removable from the town until he became chargeable."

With regard to the preamble, it is said that "the preamble of a statute may be consulted to solve any ambiguity or to fix the meaning of the words which may have more than one." "It is not unusual to find that the enacting part is not exactly co-extensive with the preamble. In many Acts of Parliament, although a particular mischief is recited, the legislative provisions extend beyond it. The preamble is often no more than a recital of some of the inconveniences and does not exclude any others for which a remedy is given by the statute." Sir, this is an observation at page 48 as can be seen in this book.

Sir, in a recent case that arose for decision in the Nagpur High Court, reported in 1951 Nagpur Law Journal 503, in the case of Govindram Laxman Prasad *v.* the State of Madhya Pradesh, they have held, relying

(SRI H. SIDDAVEERAPPA.)

entirely on the authority which I have now quoted, "that the evil recited in the preamble is but the motive for legislation; the remedy may both consistently and wisely be extended beyond the cure of that evil, and if on a review of the whole Act a wider intention than that expressed in the preamble appears to be real one, effect is to be given to it notwithstanding the less extensive import of the preamble."

Sir, having said that this is the law on the subject, it is now my duty to bring to the notice of this Hon'ble House whether there are any precedents where in a single Bill, two Acts have been amended.

(*Interruption*).

A Bill becomes an Act after it receives the approval of this august House.

So far as this position is concerned, whether there are any cases either in the Acts of Parliament or in the Statutes in the Central Government or even in our Mysore Government, wherein by a single measure, two Acts or even more have been amended, I will have to quote and bring some instances to the notice of this Hon'ble House. Sir, I, will first take the Representation of the Peoples Act of 1951.

Sri L. SIDDAPPA (Chennagiri).—We will withdraw our objections. He may state simply the reasons necessary for this measure.

Sri H. SIDDAVEERAPPA.—I think, Sir, the very same Hon'ble Members observed yesterday that it has become the fashion of Government after this Government came into power, to have two or three Bills clubbed together and then bring one measure.

(*Interruption*).

I am not fond of hearing my own voice through the mike. But when questions are raised, I will have to answer them.

Sir, with regard to the Representation of People Act, Section 138 of the Act amends the Code of Criminal Procedure, 1898 (Central Act 5 of 1898). In this Act, the preamble and the long title do not disclose that that Act is going to amend the Criminal Procedure Code. Section 36 of the Press (Objectionable Matter) Act, 1951, (Central Act 56 of 1951) amends Sections 4 and 8 of the Press and Registration of Books Act, 1867, (Act 25 of 1867) although the long title states that the Act is to provide against the printing and publication of incitement to crime and other objectionable matter. Section 32 of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951) amends Section 2 of the Industrial Disputes Act, 1947 (Act 14 of 1947), although the long title to the Act states only that the Act is to provide for the development and regulation of certain industries. Section 25 of the Requisitioning and Acquisition of Immoveable Property Act, 1952, (Central Act 30 of 1952) amends Sections 1, 2, 3, 4 and 10 of the Government Premises (Eviction) Act, 1950, (Act 27 of 1950), although the long title to the Act speaks only of providing for the requisitioning and acquisition of immoveable property for the purpose of the Union. This is so far as Central Acts are concerned. I may also say that there is a very recent Act regarding the extension of the jurisdiction of our High Court to Coorg. A central Act has been passed and that Act has been called by the title of the Mysore High Court Extension of Jurisdiction to Coorg Act, 1952. In that Act, under Section 6, amendments of certain enactments specified in the Schedule have been given, where, as many as five Acts have been affected by this one clause by showing it in a Schedule.

Sri H. K. VEERANNA GOWDH (Maddur).—Have you given the Schedule in this Bill?

2 P.M.

Sri H. SIDDAVEERAPPA.— It is incorporated in the Act. There they have simply put in a schedule and said those are the Acts. The title of the Bill is simply stated as the Mysore High Court Extension of Jurisdiction to Coorg Act, 1952. These are some of the Parliament enactments wherein by one measure two Acts are sought to be amended. One is main and the other is consequential. Now, coming to our own Mysore Acts, I have not set up any innovation, nor is it true to say that this Government have not bestowed any thought or attention to find whether it is good draftsmanship or whether it is correctly drafted. I can only show some examples where such instances have taken place here also. I refer to Section 12 of the Betting Tax Act, 1932. That is the Mysore Act 9 of 1932. This Act amends Section 4 of the Mysore Police Act of 1908, that is, Mysore Act 5 of 1908, although the Preamble of the Act mentions that it is intended to impose a tax on certain forms of betting, this Act, may it be noted by the Hon'ble House, has been looked into by the High Court and referred to in the decision, which I shall presently bring to the notice of the House, and nowhere it is said that, because there is amendment of the particular Act in this Amending Act, it has been either illegal or *ultra vires*. I may even say in this Act, namely, a Regulation to provide for the imposition of a Tax on certain forms of betting, Section 13 amends Section 63 of the Mysore Police Act and Section 14 also amends Section 63 of the Mysore Police Act. But there is no word either in the long Title or in the short Title of the Preamble wherein we get the inclination that this Act has effected amendments in the Police Act, as it is referred to in Sections 12, 13 and 14. The Code of Civil Procedure (Amendment) Act, 1951, is an Act that was passed in the year 1951 which received the assent of the President on the 7th January 1951. In this Act, it will be seen that the First Schedule to the Mysore Limitation Act has been amended by Section 4. Neither in the Short Title nor in the Long Title nor in the Preamble do you find any indication to show that the Limitation Act has been amended by this Act. Then Sections 12, 13 and 14 of the Mysore Race-Courses Licensing Act, 1952 (Mysore Act 8 of 1952) amend Section 4 of the Mysore Police Act, 1908, Section 32 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 and the Betting Tax Act, 1932, respectively, although the preamble to the Act does not speak of these amendments. This is an Act wherein as many as three Acts have been amended. Neither the preamble nor any portion of it shows that those Acts have been amended. Then we go to Section 25 of the Mysore Irrigation (Amendment) Act, 1952 (Mysore Act 7 of 1952). It repeals the Minor Tank Restoration Act, 1916 (Mysore Act 13 of 1916), although the preamble to the Act speaks only of amending the Mysore Irrigation Act, 1932.

Sir, I do not wish to tire the patience of the House by many more citations, but suffice it for me to make a very humble submission that the Bill as it is now put before this House has been drafted in the time-honoured manner in which these Bills have been drafted elsewhere and also according to the precedents in the State.

Sri A. BHEEMAPPA NAIK.— Will the Hon'ble Minister be pleased to place on the Table any one of these Bills? It is not the amendment of the Act, but the forms of the Bill. I want to know whether he has some of them to be placed on the table.

Sri H. SIDDAVEERAPPA.— It is presumptuous on my part to say that the Acts as have been passed are as a result of the Bills that have been placed before the House. The Acts have a greater authenticity than the Bills that are introduced before the House.

(SRI H. SIDDAVEERAPPA.)

Then, Sir, the next point I would like to place before this Hon'ble House is about the definition of 'common gaming house' as mentioned in sub-clause (3) of clause 2. A question was put whether it is exhaustive. Sir, the definition of 'common gaming house' is based upon the definition in the present Act itself with slight changes and modifications here and there. I may bring to the notice of this Hon'ble House the salient changes that have been referred to. As can be seen in the existing Act, *i.e.*, the Act that is now in force, 'gaming' does not include a lottery but includes wagering or betting on a horse race. In the proposed Bill, the definition has been amplified and expanded in scope by defining that

> "'gaming' does not include a lottery but includes all forms of wagering or betting except wagering or betting on a horse race when such wagering or betting takes place—
>
> (i) on the date on which such race is run; and
>
> (ii) in an enclosure which the licensee of the race-course on which such race is to be run has set apart for the purpose under the terms of the licence issued under Section 4 of the Mysore Race-Courses Licensing Act, 1952, (Mysore Act VIII of 1952), in respect of such race-course; and
>
> (iii) between any person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand in such manner and by such contrivance as may be permitted by such licence;"

An explanation has been given as follows:—

> "For the purposes of this definition, wagering or betting shall be deemed to include the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;"

This is the definition of the word 'gaming'. Hon'ble Members will be be pleased to see that, according to the definition in the present Act, gaming refers only to one kind of gaming. It is said that it does not include a lottery but includes wagering or betting on a race horse. That is the only kind of gaming that is recognised in the present Act.

Sri M. V. RAMA RAO.—Does he suggest that with reference to the definition contained in the Act or contained in the proposed Bill?

Sri H. SIDDAVEERAPPA.—I am only reading the present Bill in juxta-position just to show what are the changes that are now attempted to be made in the present Bill.

Sri M. V. RAMA RAO.—Gaming is not defined.

Sri H. SIDDAVEERAPPA.—Gaming is not defined in any Act anywhere else. Nowhere has gaming been defined. The definition is only in the negative sense. This is the point on which their Lordships, the Judges of our High Court have concentrated and have given their decision stating that, as the definition now stands, it cannot admit of any other kind of gaming except the one that has been specifically stated there. The present Bill follows Section 3 of the Bombay Act as well as Section 3 of the Madras Act.

Sri M. V. RAMA RAO.—Relating to what?

Sri H. SIDDAVEERAPPA.—Definition of gaming also comes in

the Police Act. I will tell you what those Acts are. The Bombay Act I referred to is the Bombay Act 5 of 1887, *i.e.*, Bombay Prevention of Gambling Act, 1887. The Madras Act is the Act to provide for the Punishment of Gaming and the keeping of common gaming house in the Presidency of Madras. It must be Madras Gaming Act of 1951 or 1934. It is not clear. Anyway, it is Act 3 of that particular year. These definitions that are now drafted follow close on the heels of the definitions that you find in these two Acts and it can be seen that even with regard to wagering or betting on a horse race an exception has been given in the present Act, *i.e.*, if that race takes place on a particular date and in an enclosure, even that will not become an offence. Whereas the definition I want now to introduce will enlarge the scope of gaming. It will be in order to facilitate the Executive to act or function in cases wherein any game of chance is played or wherein any game in which there is preponderence of chance is played and wherein it is found that it comes within the four corners of the definition. As it is, I cannot act because the definition is restrictive. The definition of gaming as is now to be found will not allow a policeman to function in the manner in which he ought to do in the interest of the public . . . .

Sri H. K. VEERANNA GOWDH.—Does it involve money only or if it involves anything else, does it come under game of chance ?

Sri H. SIDDAVEERAPPA.—It should come within the definition of 'common gaming house'. I will explain that point when I come to that clause. There must be a chance of pecuniary or other material value of one man losing and another man gaining.

Sri H. K. VEERANNA GOWDH.—Does the phrase 'other material' include even '*balapa*' or anything of the sort ?

Sri H. SIDDAVEERAPPA.—If it is of any monetary value and if it comes within the definition of 'common gaming house', then it comes under this Section.

ಶ್ರೀ ಎಚ್. ಕೆ. ವೀರಣ್ಣಗೌಡ.—ರಸ್ತೆಗಳಲ್ಲಿ, ಬೀದಿಗಳಲ್ಲಿ ಈ ಹುಡುಗರು ದುಡ್ಡಿಟ್ಟುಕೊಂಡು 'ಬಚ್ಚಾಆಟ' ಇತ್ಯಾದಿ ಆಟಗಳನ್ನಾಡುವುದೂ ಸಹ ಇದರಲ್ಲಿ ಸೇರಿರುತ್ತದೆಯೇ ?

Sri H. SIDDAVEERAPPA.—I will bear all those points in mind. Then I come to the next question about the enlarged scope of the definition of the word 'gaming between any person'. So far as this definition is concerned, the definition has been deliberately enlarged with a view to bring all kinds of games which I will presently explain in the next clause wherein if they have played in a common gaming house, that kind of a thing will have to be looked into. Then with regard to the observation of Sri Veeranna Gowdh whether playing of marbles will come within the scope of this Act, I invite his attention to the definition of 'Instruments of gaming'. That will have to be examined. In the new definition that I have introduced, so far as the definition of instruments of gaming is concerned, that also closely follows the Acts of Bombay and Madras. It will be seen in the original Act that it is merely mentioned that the instruments of gaming include an article used as a subject, or means of, or for the purpose of carrying on or facilitating, or in connection with gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming. That is what the present Act says. The Bill proposes :

> "Instruments of gaming include any article used or intended to be used as a subject, or means of, gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming ;"

(SRI H. SIDDAVEERAPPA.)

The distinction that we have made is 'any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming'. It must have some monetary value when you play that game. That comes under definition of 'Instruments of gaming' and this point also will have to be taken into consideration. Then the next important point is the definition of 'common gaming house'. Here is the crux of the probelm. Whoever comes within the orbit of the mischief of this kind of offence will have to become answerable, provided the other ingredients that make an offence are available. I think my friend Sri Ramiah and Sri Narayanaswamy raised very pertinent questions the other day whether a game is allowed to be played in a Club and what is the prevention and all that. I will answer them in detail when I come to the next point. Now, Sir, this is the definition that has now been thought of for the old definition of common gaming house as it now exists. According to the present definition, it will be seen, that cards, dice, tables or other instruments of gaming are specifically mentioned as being kept in a building, enclosure, room, place or vehicle. Even if it is kept in the open street, provided other ingredients are there, then it becomes a gaming house.

Sri H. K. VEERANNA GOWDH.—Road is not kept by any individual!

Sri H. SIDDAVEERAPPA.—It may form another offence. Supposing a man obstructs the free passage, it may become an offence. Supposing they sit under a banian tree and indulge in this kind of gaming; or they openly sit in a field outside.

Sri H. K. VEERANNA GOWDH.—But still the place is not kept by an individual?

Sri H. SIDDAVEERAPPA.—It is exactly on that ground that there is a decision of the Madras High Court in 1948 by Mr Justice Rajamannar which clearly clarifies what your position is, *i.e.*, if it is played in the field and all that.

Sri H. K. VEERANNA GOWDH.—For a layman like me, it must be made very clear.

Sri H. SIDDAVEERAPPA.—The present definition is:—

> "'Common gaming house' means a building, enclosure, room, place or vehicle in which any instruments of gaming are kept or used for the profit or gain of the person owning or occupying such building, enclosure, room, place or vehicle or of the person using such building, enclosure, room, place or vehicle, whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instrument of gaming or of the building, enclosure, room, place or vehicle or otherwise howsoever."

Therefore, the restrictive meaning of the term or the definition of 'common gaming house' has been enlarged by the present Act wherein it is to be seen that so far as instruments of gaming are concerned, it has been made as general as possible; whatever instruments are used, provided the other ingredients that go to make an offence are there, *viz.*, in order to bring within the clutches of the definition of the word 'gaming' as has been defined here.

All that will be used, will be looked into in order to find out whether it is a common gaming house. There are other clauses which it is not necessary to submit at the present stage by way of comparison. It will thus be seen that so far as the present Act is concerned with regard to the definition of 'common gaming house' it has been exhaustively dealt with. The idea is, whoever uses a place for the purposes mentioned in the definition in this particular clause, will have to come within this definition, and what is more, as is observed now by Hon'ble Members, it will be seen that

the old definition has been kept intact with such modifications as are found necessary to suit the present requirements as are now proposed to be introduced.

One other pertinent question was raised by my friend Sri P. R. Ramaiya, *viz.*, whether a club comes within the purview of this Act, if a game of chance is played there. There is a very important decision on that point. I refer to A.I.R. 1948, Madras, at page 264. That is the decision by His Lordship the Chief Justice Rajamannar in the case of Somasundaram Chettiar and others. This is a very interesting case where 19 accused were found playing cards in a Club. They were tried by the Additional Sub-Magistrate, Tirupattur, for offences under the Madras Gaming Act, Accused 1 to 17 were convicted under Section 9 for being found gaming or present for the purpose of gaming in a common gaming house and accused 18 and 19 were convicted under Section 8 for keeping or permitting to be used a common gaming house. It is found that at 5-15 P.M. on 31st January 1946 accused 1 to 17 were actually playing a game of cards called "Three Cards" ('Parel as we call) in the precincts of the Laxmi Club at Karaikudi. Then the important question that arose was whether the premises of the Club and the room in which the play was going on is a 'common gaming house'. "Club is not an individual; how can anybody found playing in a Club be guilty?" That was the question that was raised. Then the question was dealt with. It was said—I read only the relevant portion of it:

> "It was next contended that the Club cannot be said to have kept or used the cards, tables, etc., for profit or gain. In dealing with this contention it shall be noted that the profit or gain according to the definition should be to the person owning or occupying the house or keeping the house or room. I have already held that the Club is a person. The question is whether the Club derives any profit or gain either by way of a charity for the use of the instrument of gaming or of the house; ....."

Suppose we play Poker. There will be a pool for each game. According to the rules of the Club we say that one anna in the rupee will have to be taken away for the Club, or each player has to pay 4 annas. Then it comes within the definition of this Act. If the Club is a jurisdic person and if the Club gets any benefit, then the players who play there and the office bearers of the Club all become liable and punishable under this law, the other ingredients as are to be found in the Police Act (section 66 or so) being proved. It has been clearly stated that if there is a mere game of skill it will not be an offence; it must be a game of chance and even a Club where it is played comes within the purview of this definition. Whoever plays there and others found there will have to be punished, and it has been held that a Club is a jurisdic person; it is body incorporate and it is a legal entity and it will have to be treated as a person. Whether it is played in a Club or room or any other place, wherever it is played, if it is found that this gaming has been played for the benefit of an individual who runs that common gaming house, if the essential ingredients, *viz.*, that the place is a common gaming house and that the game has been played for the benefit of an individual who runs this house—if these essential ingredients are proved and if it is proved that it does not come within the exception of section 66—in the Police Act there is a particular section which says that if it is a mere game of skill it will not be an offence—when all these ingredients are there I assure....

Sri P. R. RAMAIYA (Basavangudi).—Whoever play this game in a Club, nothing prevents a Policeman from raiding the Club and bringing them within the clutches of the law as has been done in the Madras case which is now recited.

Sri K. PATTABHIRAMAN (Kolar).—If, according to the Judgment in A. I. R. 1948 Madras to which reference has just now been made, an anna, half an anna or quarter of an anna, whatever it is, is going into the coffers of the Club, then the essential ingredient to constitute a common gaming house is there; that is what I have understood the Hon'ble Minister to say. There is a Club where some persons are playing a game of chance; one anna or half an anna for each pool is also going to the coffers of the Club. If this section is attracted, it becomes a common gaming house. If that is so, the question is whether you will ask the court to draw the presumption. For instance, take Explanation 3 in Clause 5, on page 4.—

> "Any person found in any common gaming house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming."

Therefore, when half a dozen people playing in that Club, if very respectable people are there, witnessing the game, this presumption should be drawn; is that the idea of the Government?

Sri H. SIDDAVEERAPPA.—As I have already said, these are conditions which are pre-requisites.

Sri K. PATTABHIRAMAN.—I want this position to be clear in our minds. Nobody should mistake me that I am trying to bring forward these difficulties in order that certain protection may be given to some imaginary persons. No such hallucination has overtaken me; but I want this position to be clear in our minds. If you want to put it, we will be the first to vote for it. Is that the idea, I ask. Kindly see these presumptions.

Sri J. MOHAMED IMAM (Jagalur).—I want to bring to your notice two concrete instances. There are two Clubs, one at Chitaldrug and another at Davangere. There games are played. It is the practice there to collect one anna or two annas. Does it come within the purview of the section?

Sri H. SIDDAVEERAPPA.—I will explain. You and I have played Poker.

Sri M. RAJASEKHARA MURTHY (Yelandur).—I am a member of a Club. I play Poker. From every pool two annas will be taken out towards the cost of the cards, not for the profit of the Club. Does it mean that the players who are playing in the Club come within the purview of the section? While we are playing, a friend of mine will come there just to give invitations in connection with a marriage. He has got a pen and pencil in his pocket. A pen or pencil is useful at the time of playing cards. Do you mean to say that pen or pencil is a necessary instrument as contemplated in the Bill?

Sri H. SIDDAVEERAPPA.—My friends of the legal profession are well aware that any presumption is not an irrebuttable presumption. Presumption can always be rebutted by facts. That is one thing.

Sri A. BHEEMAPPA NAIK.—After going to the Court.

Sri K. PATTABHIRAMAN.—If the presumption is to be drawn on the ground it is rebuttable; but do you really feel that all those persons—half a dozen people play a game of chance and some others are present on the occasion; take the worst circumstance—then all of them should be hauled up and prosecuted. Is that the idea?

Sri H. SIDDAVEERAPPA.—The position will be this. Let me take the concrete instance of Davangere Club where they play Poker. They were playing that game; I do not know whether they are playing it now. In the game of Poker, for every pool they take away 2 or 3 annas. The game of Poker has been held not to be a game of chance but a game of skill. That is the essential element. Suppose you play *Parela;* you play *Ranisal*; you will

come within the clutches of this law provided the other ingredients are there. There are two kinds of games in all these games. One is game of chance; another, game of skill; or those that are on the border. There are games where there is both an element of chance and an element of skill; the question is one of degree; which is higher. Take for instance, a man plays with all the dexterity of his hand; there are people who by even touching the leaf can say what it is; even for such people there is always an element of luck also in that kind of game. The Courts have held that the law provides that any man can play provided it is a game of skill. Finally the quantum of money —that is important; it is the nature and quality of the game that is played that is important. Supposing you play *Ranisal* or "three cards"; playing that game becomes an offence. Even a Club, if anybody plays a game of cards which comes within the definition as can be called a game of chance and if in that Club you find that a particular amount has been taken away for the Club and the Club as the owner of the common gaming house gets a benefit, and, taking all these factors as existing, then whoever unfortunately goes and plays there may come within the clutches of the law.

Sri K. PATTABHIRAMAN.—I am quite satisfied.

2-30 P.M.

Sri H. SIDDAVEERAPPA.—Therefore, let us presume that in any club, there will not be any game of chance and only the approved games are played.

Sri L. SIDDAPPA.—So, one has to think twice before entering a club.

Sri H. SIDDAVEERAPPA.—If one has to be within law. There are any number of judicial decisions. Poker has been held to be a game of skill and not a game of chance. Therefore, I hope that this definition and the explanation that I have given will satisfy any doubts in the mind of my friend Sri P. R. Ramaiya that even clubs will not escape from the clutches of law, provided the other ingredients are there. Simply because a man says that he plays in a club, he cannot be exempted if the games played there come within the clutches of law. That is what the law aims at and also what we desire to do. Whether a game is a game of chance or a game of skill is again essentially a matter, for determination by judicial tribunals. No law can be perfect. It is impossible to formulate any law to prefection. As a matter of fact—I do not know if I will be boring this House by giving these details. After all we are legislating for the ordinary people, for the use and for the benefit of ordinary men and not for prodigies and extraordinary men. There are experts in a game of cards. There are some people who are dexterous in play and who try to terrify and bluff others. This law is not meant for such extraordinary people. It is meant for the ordinary people only. There are any number of decisions which go to show that where the preponderant element is one of skill, the Courts have always held that as a game of skill and not a game of chance. Whether a game is a game of skill or a game of chance is a basic question for judicial determination, purely a question of fact and not a question of law.

Sir, I have already explained what the enlarged scope of gaming in the present Act is. I do not wish to take up that question once again. In section 68 in the new clause, the explanation to the definition of gaming is an additional provision which is not found in the existing Act. So far as section 63 is concerned, the changes that have been effected are in sub-clause (b) of the present Bill—"knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid". That is in the penal clause. If a man is to be convicted, all these clauses (a), (b), (c) and (d), wherein certain ingredients have been incorporated—all

(SRI H. SIDDAVEERAPPA.)

those things will have to be fulfilled before a man is punished.

Then I come to the most important clause—Clause 7—the clause that I have to convince the Hon'ble Members, wherein there is an amendment, namely, the amendment of section 2, sub-section 1, clause (e) of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951. It is now said that sub-clauses (ii) and (iii) may be deleted. I will read what those sub-clauses (ii) and (iii) are and as to why this amendment is sought to be made. This is the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951. In that Act, the definition section is section 2. It is the definition clause.

"(e) 'prize competition' includes—

(i) crosswords prize competition, missing words prize competition, picture prize competition; number prize competition, or any other competition for which the solution is prepared beforehand by the promoters of the competition or for which the solution is determined by lot;

(ii) any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known; and

(iii) any other competition, success in which does not depend to a substantial degree upon the exercise of skill."

Now, I want clauses (ii) and (iii) to be deleted. I will have to satisfactorily explain to the House why it is desired that clauses (ii) and (iii) of clause (e) are to be deleted and if so what is the effect of it on sub-clause (i) of clause (e). It will be seen that under section 8 of this Act any man may be licensed to have prize competitions as has been defined under sub-clause (e). Section 8 says: "A prize competition shall not be deemed to be an unlawful prize competition, if a licence in respect of such competition has been obtained by the promoter thereof." What is required is a licence will have to be taken. Now, supposing I retain clause (e) as it is, what is the effect of it? The enlarged scope of the definition of gaming as now introduced in this Bill is done so purposely and advisedly. It is with a view to see that all knds of games that border on the element of chance are eschewed. That is the object with which that definition has been enlarged. Gaming now includes all kinds of games wherein there is a preponderant element of chance also, just as in the present O. C. case—opening and closing rates of New York Cotton. This O. C. case comes under clause (ii) of clause (e) of section 2 of the Lotteries and Prize Competitions Control Act. If a licence is obtained according to sub-clause (ii) "any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known" can be run. In the satta gambling a man says that this is the figure he gets. Nobody knows what happens in New York. It is mere surmise. This is something like a game containing hundred per cent chance. Even for such a game, as the Act now stands, the Government may give a licence under clause (e). Clause (iii) reads "any other competition, success in which does not depend to a substantial degree upon the exercise of skill." That is now prohibited by the Police Act. The Police Act clearly says that only games of skill are allowed and the games of chance are not allowed. But under sub-clause (iii) even those games are included where success "does not depend to a substantial degree upon the exercise of skill." In the present Act, a man can be licensed to run such games

where success depends on a substantial degree of chance. That is what is exactly intended to prohibit by the enlarged definition.

Sri T. MARIAPPA (Mysore City North).—Lucky dips arranged at college and high school social functions will then also come under this Act.

Sri H. SIDDAVEERAPPA.—As I have already said anything which comes within the definition or the orbit of this Act subject to qualifications will be punishable under its provisions. But punishing such harmless things as lucky dips arranged in college social functions is not our intention.

Sri D. DEVARAJ URS (Hunsur).—But under this legislation, if it is passed, lucky dips arranged at college socials will certainly be punished.

Sri H. SIDDAVEERAPPA.—I have never said so. So far as the fundamentals are concerned, whoever contravenes the principles enunciated in the new Bill under the enlarged scope of the word gaming is subject to its provisions. After all, it is not as if Mysore State alone is having such a legislation. There are such provisions made elsewhere. I have simply and closely followed on the heels of other legislations, which have stood the test of time, which have been subject to judicial interpretation for over a decade. Therefore, I cannot legislate surmising all the things under the Sun. It is beyond human ingenuity. As and when a question arises and if it is found in the actual working that a legislation is penal, nothing prevents those in authority to bring about amendments to release it from the rigours of law. As a matter of fact, we look to the present position. We find out what we now want to stop. We have brought forward this legislation in conformity with the decision of the High Court to stop this satta gambling so vital for the good of our people. I am not thinking of so many other possibilities. But I may just say this. If, in the actual working, it is found that there is any difficulty, nothing prevents this august House to remedy it. That is all my answer.

In clause (ii) and (iii) as we can see the present definition of prize competition in sub-clause (e) is wide enough to include games of chance. This O. C. game is no offence under the present Act. That is exactly how it stands. Under the advantage of this Act, any man can obtain a licence under section 8. He may run this O. C. game. He may try to cheat and try to escape. To prevent persons from running such games of chance I have now proposed to enlarge the scope of the definition of prize-competitions by deletion of these two clauses, which in my opinion are in the nature of gambling. This is what is sought to be prohibited and if there is any error, I want to err on the safer side.

I thought, Sir, to make the law in conformity with the proposed amendment, it would be advisable, it would be wise, nay, it would be necessary to delete these two clauses. I just do not know how the deletion of these two clauses is in any way detrimental? As a matter of fact, the position will be this: the definition of 'prize competition' will be confined only to clause (i) or to cases that come under the category of clause (i). I know, for instance, one company wanted to have a football pool game or some such thing, expecting that it would come under sub-clause (ii) or (iii). But our Government refused to give licence. Why should we retain that power when it is the desire of the Government to stop this evil? That has gone too far into the hearts of many of our people. It has to be found, unfortunately, that particularly this year in Bangalore, there are three great attractions which have caused terrible hardship to the poor people. My friend, Sri Anantaraman narrated them, and I need not tell them once again. Therefore, I hope, I have been able to satisfy the Hon'ble Member.

Sri M. V. RAMA RAO.—He has not met my point. I want to know from the Hon'ble Minister why the omission of parts (ii) and (iii) of the definition of 'Prize Competition' contained in clause (e) of sub-section (1) of section 2 of the Act was asked for in spite of the objections that I raised concerning Section 8 of this Act. I may categorically state that this Legislature, as far as I can understand its mood and its mind, will not agree to vest authority of licensing 'Prize Competitions' under Section 8 without having the expression 'Prize Competition' properly and satisfactorily modified because it would be seen that in part (iii), a very specific reference is made to this, namely, any other competition success in which does not depend to a substantial degree upon the exercise of skill.

Sri H. SIDDAVEERAPPA.—I am sorry, Sir, that I have not been able to convince my friend. I shall see whether it is possible to do so. It is no doubt true that I am not eager to be armed with any more powers than what is contained in Section 8 of this Act. What I want now is a curtailment of the power given to the Executive by Section 8, not its enlargement. Perhaps I have tried to make it clear.

Sri K. PATTABHIRAMAN.—The whole thing, if I understand aright, hinges on that phrase and Sri Rama Rao is rightly urging that when that qualification that you have, namely, wherever there is a substantial measure of skill as the determining factor for which you grant a licence, will go by amending sub-clauses (ii) and (iii), if you do not introduce it in either clause (i) or otherwise, and merely say that sub-clauses (ii) and (iii) stand repealed, what is the effect? That is what Sri Rama Rao urged, and rightly too; I think the Minister would consider that aspect. On Saturday last, I said that if it is necessary to amend (ii) and (iii), to which we may agree, necessity also will arise for amending (i) so that the particular qualification that you have, namely, 'substantial measure of skill being the determining factor,' will have to be introduced in some form or other. But until that is done, what Sri Rama Rao apprehends is, you will have a *carte blanche* and you can grant a licence to any prize competition irrespective of the fact whether it is a game of skill or not. I think I have understood him aright. I would request the Hon'ble Minister to really consider that point.

Sri H. SIDDAVEERAPPA.—Let him refer to Section 66 of the Police Act, as the Act now stands. It says:

> "66. *Saving of games of skill.*—Nothing in Sections 38 and 63 of this Act, shall be held to apply to games of mere skill whereever played."

No licence is necessary for anybody to play a game of skill wherever he likes. I would request my friend Sri Pattabhiraman to kindly see sub-clause (iii). Sub-clause (iii) says:

> "any other competition, success in which does not depend to a substantial degree upon the exercise of skill."

Sri K. PATTABHIRAMAN.—That clause is going to be amended by this repeal. When it is done, should it not come back to (i)? That is what Sri Rama Rao is urging. You are amending (ii) and (iii). When you delete (ii) and (iii), that qualification may not apply. In fact, why should you not make it clear?

Sri H. SIDDAVEERAPPA.—It is only by this way that we can make it clear. Take away all those chances wherein the Executive will have a right to license a man where the success does not depend upon a substantial degree of skill. Even if the success depends upon mere chance, as the law now stands, the Executive has the right to give licence. Why should you give that right to the Executive? Where is the need for it?

Sri K. PATTABHIRAMAN.—But you are retaining (i). You can make the qualification clear in (i) by saying 'where there is no substantial measure of skill'.

Sri H. SIDDAVEERAPPA.—You will be pleased to see in (ii):

> "Any competition in which prizes are offered for forecasts of the results either of a future event or of a past event the result of which is not yet ascertained or not yet generally known;"

It is for an uncertain event, an event which may happen or may not happen. This is analogous to what we have now called 'Satta'. So far as (iii) is concerned, there is no element of skill but an element of chance. Even if it there, the Executive may think of licensing it. We propose to retain (i) under the definition of 'prize competition'. The connotations of the words 'prize competitions' are very clearly understood. Prize competition is a cross-word prize competition, missing words prize competition, picture prize competition, number prize competition, or any other competition for which the solution is prepared beforehand by the promoters of the competition or for which the solution is determined by lot. Except these, according to my humble submission, you may exclude all other elements of chance; instead of enlarging the powers of the executive to issue a licence under Section 8, their powers are curtailed to the minimum, to the cases that may be referred to in sub-clause (i). That is all I intend doing, and nothing more, nothing less.

Sri M. V. RAMA RAO.—It is said 'Prize Competition includes': if the definition was 'Prize Competition means', then that would be different. The word 'includes' which is retained is indicative of a few things that we have in mind. It does not define the rest. Therefore, I suggest that the exercise of skill in a substantial or in a considerable measure should be an essential ingredient in games of competition and this should be the criterion for Government to issue a licence for making a prize competition lawful under Section 8 of the Act. The other thing is that in sub-clause (i) it is stated that the 'prize competition' includes any other competition for which the solution is prepared beforehand by the promoters of the competition or for which the solution is determined by lot. It is such an omnibus phrase that it can cover almost any kind of competition. Those of us who are in the habit of reading more than one kind of newspaper are aware what kind of curious competitions the editors of these papers are starting nowadays. This phrase would cover all those cases and it would not be confined, as I said, to the exercise of authority vested in the Government of licensing Prize Competitions under Section 8 only to cases in which the exercise of skill will form a necessary ingredient of the competition. I think, having regard to the very important purpose which he has in view, namely, making the Police Act applicable to cases of gambling in cotton futures and satta, the shortest way of doing that would be to include those in the definition of Prize Competition. It seems most obvious to my mind and I think we shall avoid other troubles and controversies that might arise by altering the definition of 'Gambling' and 'Wagering'. I may make it perfectly clear to this House and to certain Hon'ble Members of this House who seem to have entertained a doubt or suspicion that I am perhaps sympathetic to persons engaged in 'cotton futures', that I am not in sympathy with cotton futures gambling. As long ago as 1931, I knew about it; I know much more about it than many members of this House; on the first occasion when I met the present Chief Minister of Madras in the year 1932, he addressed a large meeting of South Indians resident in Bombay at Mathunga; and the one piece of advice he gave them was to stop wagering or gambling on this cotton futures.

(SRI M. V. RAMA RAO.)

It is the lower middle class and the poor class that ruin themselves by gambling in cotton futures. I assure the Government that there is no Member in this House who wishes to prevent this Government from legislating in a manner which will enable the Police to deal with cotton futures gambling effectively. What I am very anxious about is that Government should limit the amendment of the law to the specific purpose which they have in mind and not enlarge the scope of the definition. As a matter of fact, this wagering business is perhaps governed by as many as half a dozen different enactments, namely, the Mysore Lotteries and Prize Competitions Control and Tax Act, the Mysore Race Courses Licensing Act, 1952 and a number of other Acts. As a matter of fact one will have to be going from pillar to post if one wants to find the meaning of the particular expression. The Minister himself is aware of these difficulties. I was suggesting whether it would not be sufficent for the Government to carry out their object by including the words 'cotton futures or satta gambling' which have been referred to in the High Court Judgment, in the definition of 'Prize Competition'.

Sri H. SIDDAVEERAPPA.—What for? So far as I have understood the position, Sir, it is nowhere defined; this cotton satta has not been defined anywhere; I even tried to find out whether there is any definition found in any of the Law books.

Mr. M. V. RAMA RAO.—Has not cotton satta now been banned or penalised in Bombay? If it is, it must have been done under some legislative enactment.

Sri H. SIDDAVEERAPPA.—It is again under this Police Act. Sir, so far as clause (*e*) is concerned, perhaps it is my misfortune that I have not been able to see eye to eye with the Hon'ble Members who want to retain sub-clauses (ii) and (iii). I have explained my difficulty in the matter.

*Sri A. BHEEMAPPA NAIK.—It is not the intention of any Member here that these two sub-clauses should be retained; but the substantial idea contained in it should be included in sub-clause (i). If my friend without including those ideas in this first sub-clause enacts or amends this Act, he will be doing it at his own risk.

If I understand the Hon'ble Minister aright, I think he wants to delete items (ii) and (iii).

Sri H. SIDDAVEERAPPA.—Yes.

Sri A. BHEEMAPPA NAIK.—So it will be superfluous.

Sri H. SIDDAVEERAPPA.—Not only it will be superfluous; but also any man may take advantage of the provisions of (ii) and (iii) and obtain a licence.

Sri A. BHEEMAPPA NAIK.—Sri M. V. Rama Rao has got some doubts. If the Hon'ble Minister had made it clear that items (ii) and (iii) have come under the definition already put in, these doubts would not have arisen. The definition of "Prize Competition" is mentioned here and so if item (i) is to be retained items (ii) and (iii) are to be deleted, because the term 'Gaming' includes this also. I think this is the correct position.

Mr. SPEAKER.—The House will now rise for lunch and meet at 3-30 P.M.

The House adjourned for Lunch at Two Minutes past Three of the Clock and reassembled at Thirty-four Minutes past Three of the Clock.

[MR. SPEAKER in the Chair.]

Sri H. SIDDAVEERAPPA.—I was submitting with regard to the provision in the present Bill regarding deletion of sub-clauses (ii) and (iii) of clause (*e*) of Section 2 of the Lotteries and Prize Competitions Control Act. Perhaps at this stage it is better we do well to take note of the suggestion that 'gaming' as has

been defined in the Act does not include lottery. For instance, a kind of game called Lucky Dip is a lottery in the strictest sense of the term. So far as lotteries are concerned, they are guided by the Lotteries Act. There is a separate provision wherein they will have to be regulated by means of a licence. Of course, my Hon'ble friends doubted about the effect of this clause (*e*) if sub-clauses (ii) and (iii) of the clause are omitted. I am prepared to examine that aspect of the question if still doubts are to be found after hearing further debate in this behalf. That is with regard to sub-clauses (ii) and (iii) of clause (*e*) of Section 2 of the Lotteries Act.

Then I want to mention about the High Court decision which is the basis for this Bill, as is to be found from the Statement of Objects and Reasons given in this case. I have already submitted that I will place a copy of this Judgment on the table of the House for the benefit of the House. In this case Criminal Revision Petition No. 10/1951-52, accused (Sultan Mohamed Khan Durrani and others) who were convicted in the Lower Court, preferred this appeal before His Lordship Sri Balakrishnaiya. This conviction arose after prosecution for an alleged wagering contract by staking money on the opening and closing rates of New York cotton as published in daily papers. This game is generally known as Satta. It does not come within the definition of 'gaming' as given in the Mysore Police Act and Betting Tax Act. Nowhere has it been defined. His Lordship held that on account of the conflicting decisions on the subject and also in view of the fact that there is no provision in any of our Acts and also owing to the fact that there is no decision of our own High Court, the matter may be referred to a Bench. The matter was referred to a Bench constituted and His Lordships, Sri Balakrishnaiya and Sri T. N. Mallappa heard the case. There were differing Judgements. Mr. Justic Balakrishnaiya held that even under the present Act an offence is made out and the accused were properly convicted. The question of the distinction between 'gaming' 'gambling', 'wagering' and 'betting' has been exhaustively dealt with in this Judgement of His Lordship Balakrishnaiya. He comes to the definition of the word 'gaming'." His Lordship obeserves thus:

> "A first reading of the definition of the word 'gaming' shows that it includes wagering or betting in a general sense since the exception is wholly confined to the elaboration of betting or wagering on a horse race. Besides, as observed in 8 Bombay Law Reporter 457, 'the word 'includes' is a phrase of extension and not of restrictive definition. It is not equivalent to 'means'. 'Includes' is very generally used in interpretation clauses in order to enlarge the meaning of the words or phrases occurring in the body of the statute; and when it is so used these words or phrases must be construed as comprehending not only such things as they signify according to their natural import but also those things which the interpretation clause requires that they shall include'. That the word 'includes' adds a species to the general clause is also the interpretation put upon the word by a Full Bench decision of Sind (A.I.R. 1928 S. 149) . . . ."

Then His Lordship goes on discussing the case law on the subject:

> "Applying the principles of interpretation discussed in the foregoing cases we have no hesitation in holding that the definition of the word 'gaming' in the Mysore Police Act is not exhaustive so as to confine it to what the interpretation clause requires that it includes, *viz.*, in the present case to wagering or betting on a horse race,

(SRI H. SIDDAVEERAPPA.)

but necessarily comprehends all other kinds of wagering or betting which the word 'gaming' naturally imports. The reference to horse race is merely illustrative. If it was intended to confine wagering or betting to horse races only then the word that would have been employed is 'means' and not 'includes'. Speaking of the Bombay Prevention of Gambling Act where the definition of the word 'gaming' is similar to that in the Mysore Act, Sri Raju in his book 'The Gambling Acts of India' says that 'the definition of gaming is extensive and does not take away the ordinary, popular and natural meaning of the word gaming."

Then relying upon this interpretation, His Lordship held that the conviction was legal and the law as it stood gave ample scope to the courts to convict the accused in this case.

His Lordship Mr. Justice Mallappa took a different view of the whole thing. Here, in this case, as I have already said, wagering, betting—all these things have been amply defined. Mr. Justice Mallappa struck a different note and his view was that the law in Mysore as it stood, namely, the definition clause regarding gaming was defective and it did not include the category of cases referred to in that Petition and His Lordship came to the conclusion that, in view of this important lacuna in the case, the judgment of the lower Court was defective and that the accused ought to be acquitted on this technical ground. I shall refer only to this particular aspect of it, namely, the definition of gaming as has been referred to by His Lordship in this case. After elaborately discussing the distinction between gambling, gaming and several other words used there, His Lordship refers to a citation in Halisbury's Laws of England wherein it is stated as follows:

"A wagering contract has been described as one by which two persons professing to hold opposite views touching the issue of a future uncertain event, mutually agree that, dependent upon the determination of such event, one shall win from the other and that other shall pay or hand over to him, a sum of money or other stake; neither of the contracting parties having any other interest in that contract than the sum or stake which he will so win or lose there being no other real consideration for the making of such contract by either of the parties."

The definite meaning of this word is to be found in a decision of the Madras High Court—A.I.R. (32) 1945 Madras 164:

"In the Oxford English Dictionary gaming is defined as 'the action or habit of playing at games of chance for stakes;' 'gambling; Sir William Anson's definition of a wager or bet is: "A promise to give money or money's worth upon the determination or ascertainment of an uncertain event". The principal distinction between gaming and betting or wagering is thus immediately apparent; in gaming the stake is laid by the players upon a game, the result of which may depend to some extent upon the skill of players, but in a bet or wager the winning or losing of the stake depends solely upon the happening of an uncertain event."

His Lordship also observes that the word gaming had not been defined in the Mysore Police Act and comes to the conclusion that it does not include wagering as has been found in this particular case of Satta which is now sought to be prohibited. Then His Lordship also refers to the definition of 'gaming' as found in the Act as the law now stands. Then referring to the several decisions of the High Courts, the decision of His Lordship is as follows:

"To sum up therefore we find that this cotton-gambling is not

a lottery, it is not a game or contest and it is not a form of gambling in which instruments of gaming are kept or used for the profit or gain of the person owning or using the place.

"It is betting pure and simple, and if it gives rise to all the evils which are ascribed to it by the learned Magistrate in his very thoughtful judgment, it is as Lord Campbell said, for the Legislature to consider what measure should be taken to put a stop to it. Under the law as at present constituted we are unable to find that any offence has been committed within the meaning of Section 44, Act IV of 1866, as amended by Act III of 1897, and we accordingly make the rule absolute, set aside the conviction and sentence and direct that the petitioner be acquitted and released."

His Lordship further goes on:

"It may be stated that the definition of Common Gaming House in Section 4 (1) of Mysore Police Act is exactly the same as found in Section 3 of Calcutta Police Act, 1866. The reasoning given in the Calcutta Case for acquitting the accused is equally applicable to the present case. While in Mysore Act gaming is not defined so as to include all kinds of wagering, except wagering on horse race in a particular place and time. For purpose of comparison the amendments made in some of the Police Acts outside Mysore so as to include all kinds of wagering may be referred to. According to Section (3) of Bombay Prevention of Gambling Act:

"In this Act 'Gaming' includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place:

(a) on the day on which such race is to be run and,

(b) in an enclosure which the licensee of the race-course, on which such race is to be run . . . ."

All these I have already put in the present Bill. His Lordship further observes:

"It will be noticed that 'Gaming' is so defined as to include all kinds of wagering and betting. The only exception that is made is wagering or betting upon horse-races on the day on which the race is run and in the licensed enclosure. In the United Provinces and Central Provinces 'Gaming' is similarly defined so as to include wagering or betting in general, with some exceptions as a certain kind of gaming on horse-race. The definition of 'Common Gaming House' in the United Provinces Act deserves comparison with the definition of that phrase in the Mysore Act. According to the United Provinces Act:

'Common Gaming House' means:

(1) in the case of gaming on the digits of the sale of any commodity, for example, opium or cotton, or on the digits of papers or bales manipulated from within jars or other receptacles, or on the occurrence or non-occurrence of any natural events for example, rainfall or the quantity of rainfall, any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever in which instruments of gaming are kept or used for such gaming;

(2) in the case of any other form of gaming, any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclo-

(SRI H. SIDDAVEERAPPA.)

sure, space, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, walled enclosure, space, vehicle, vessel, place or otherwise howsoever."

Section (4) (i) of the Mysore Police Act is as follows :

"'Common Gaming House' means any building, enclosure, room, place or vehicle in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such building, enclosure, room, place, or vehicle whether by way of charge for the use of instruments of gaming, or of the building, enclosure room, place, or vehicle or otherwise, howsoever."

Further, His Lordship in the last concluding paragraph observes :

"It is clear that in the Mysore Police Act the definition of the word common gaming house is not as wide as it is in other States and that the word 'Gaming' does not include wagering on the digits of the closing prices of New York Cotton. It is certainly true that wagering or betting is as harmful as gaming pure and simple and our Act needs amendment."

This is His Lordship Justice Mallappa's judgment :

"But as Acts V and IX now stand, it cannot be said that the petitioners—accused who were wagering on what is known as New York Cotton Prices have committed any offence. The revision petition is allowed. The conviction and sentences are set aside and the order confiscating the articles seized, is set aside .....", etc.

Thus, on account of difference in judgment of Their Lordships Justice Balakrishnaiya and Justice Mallappa, the matter was decided by His Lordship Justice Vasudeva Murthy in another order. Elaborately discussing the points raised by the differing judges, he refers to the law on the point and agrees with His Lordship Justice Mallappa, and, as a result of this decision, the accused were acquitted and the sentences set aside. Here distinction between gaming and wagering has been clearly defined. The exact import of these two words has been exhaustively dealt with. His Lordship refers to several decisions on the subject and I shall read the concluding portion of it. His Lordship also refers to the Madras decision that I just now referred to—A.I.R. 1945—Madras 164.

Sri M. V. RAMA RAO.—On a point of information. The Hon'ble Minister has had the advantage of perusing these. He is now in a position to make statements in support of his views which are his own. But the members should have time to go through them. To read the judgment *in extenso* is also a difficult task. Would it not be reasonable for the Hon'ble Minister to allow these judgments to be perused by those who are interested so that their doubts may be cleared and the scope of the remarks may be borne in mind when we suggest any amendments for proposals which the Government have placed before this House ?

Mr. SPEAKER.—I would like to know at what time the Hon'ble Minister would want to close his speech.

Sri H. SIDDAVEERAPPA.—I would close my speech in about fifteen minutes.

Mr. SPEAKER.—The Minister is reading all the important portions of the Judgments. In addition to that, he is placing them on the Table of the House. Such of those Members who are really interested can go through them. Perhaps, the discussion may not be over to-day. That is how I

read it, looking at the Hon'ble Members. They may take advantage of the next day also to offer their remarks.

Sri J. MOHAMED IMAM (Jagalur).—As I suggested, why not the entire Bill be referred to a Select Committee with the direction that the report of the Select Committee be sent to this House before two or three days or before the end of the Session. That would be better. We will then come to a definite and final conclusion. If the discussion is left to this House, I think, we will not come to any definite conclusion. Of course, we are not against the spirit of the Bill. We are concerned only with legal implications and we are anxious that it should not create further complications. It must be perfect. We are only anxious about it. As I already said, I would move an amendment that the entire Bill be referred to a Select Committee with a direction that the Bill be returned to this House within three or four days.

Mr. SPEAKER.—I do not know how the Minister feels about it.

Sri H. SIDDAVEERAPPA.—It is my duty to convince the House. If the House still feels that a Select Committee is necessary, I am not coming in the way.

Mr. SPEAKER.—At the proper time that may be suggested and it will be considered. The Hon'ble Minister may continue his speech.

Sri H. SIDDAVEERAPPA.—I perfectly appreciate the desire of my friend, Sri Rama Rao to know the contents of these Judgments. Before he entered the hall, I referred to some of the relevant portions from the Judgment of Justice Vasudeva Murthy I referred *in extenso* earlier to the Judgment of Justice Mallappa, on many points of which Justice Vasudeva Murthy agrees. It was not my desire to refer to a few points only; because I felt I have been taking more time than it is necessary for this Bill and in my anxiety to save time, I did not quote fully.

The last paragraph of this Judgment is as follows:

> "Before leaving this case I must add, that there is no doubt that this particular form of gambling which, it appears, is enormously on the increase is pernicious and reprehensible and the State must put it down. I think this present decision may furnish the reason or opportunity to amend the Mysore Police Act or Section 12 of the Mysore Betting Tax Act, IX of 1932 to bring it in conformity with the corresponding Madras and Calcutta Acts, so that all forms of serious and harmful wagering may be more clearly and readily punishable."

4 P.M.

It is in pursuance of this decision of the High Court, that I tried to bring the Bill at the earliest possible time.

Sir, there are one or two more points. I shal try to be as brief as possible so far those points are concerned. My friend Sri Pattabhiraman the other day referred to the Indian Police Act and asked me what is the effect of this amendment regarding that. If I understood you correctly, you referred to the Central Police Act and asked me about the effect of this amendment.

Sri K. PATTABHIRAMAN.—No.

Sri H. SIDDAVEERAPPA.—Then, I do not wish to trouble the House about that. So far as that Act is concerned, there are two Central Acts; only one is applicable to Mysore, but that is for a distinct purpose which consists of only four clauses and which aims at having inter-State Police Force between two or three contiguous areas for a specified purpose. Moreover, the Police comes under the State List as Entry No. 2 under the Constitution. Therefore we are perfectly entitled to make law regarding this particular provision for which this Bill is meant. Sir,

(SRI H. SIDDAVEERAPPA.)

one other question was raised that in one of the earlier volumes of the Police Act—I refer to volume 4 of Mysore Code wherein this Act is of the year 1908,—in Section 56 clause (i) the words used there were 'gaming or wagering' and now we want to substitute the words 'gambling or wagering' by the word 'gaming'. How does that amendment come in?

Sri M. V. RAMA RAO.—No, Sir. It was I that raised the objection with reference to Section 56 (i). Subsection (i) of Section 56 of the Police Act of 1908 does not contain the words 'gambling or wagering'. What it does contain are the words 'gaming or wagering'. It was the assertion of my Hon'ble friend the Home Minister that the Edition of the Police Act which he had in his hands on Saturday morning was the latest Edition and that it does contain the words 'gambling or wagering', and he further pointed out that it was possible that my copy was not quite up-to-date. I should like him to enlighten the House on the point whether the original words 'gaming or wagering' have been substituted by the words 'gambling or wagering' by any amendment of the Police Act between the year 1927 and now.

Sri H. SIDDAVEERAPPA.—I may at once say the words used there are 'gaming or wagering'. There is no printer's devil. It is correct. In the recent Act in between this period namely the period of this Act and the period of the present Act a copy of which I am now holding—1953, the latest words in Section 56 (i) found are 'gambling or wagering' and so in between this period, there is an amendment.

Sri M. V. RAMA RAO.—When?

Sri H. SIDDAVEERAPPA.—Unfortunately, I have ransacked the whole Library. I am at it, but I am unable to find out in what year those words are introduced in this legislation.

Sri R. ANANTARAMAN (Chamarajapet).—There has been no amendment at all.

Sri H. SIDDAVEERAPPA.—My Law Department assures me that there is no printer's devil. There is an amendment and I have left two of my officers to find out from the old Gazettes and all that. Unfortunately, if there was a footnote as to when it was amended, it could have helped me. There is some mistake which has caused me a headache.

Sri M. V. RAMA RAO.—The position really is that the marginal note in this Old Book of 1927 does not say 'gaming or wagering' but 'gambling or wagering', whereas the actual words used in the body of the clause are 'gaming or wagering'. It is just possible, I am merely suggesting, that in the process of reprinting, the marginal note might have misled the person who composed the words contained in the body of the clause and he might have substituted 'gambling or wagering'.

Sri H. SIDDAVEERAPPA.—I think there is some mistake somewhere. It must be admitted. But I would request the Hon'ble Member to take the present definition as is found in the present Act as the correct position.

Sri M. LINGANNA (Nanjangud).—Without amending the Original Act, how can you say that?

Sri H. SIDDAVEERAPPA.—That is the correct position. It has stood the test of legal scrutiny at the highest court.

Sri M. V. RAMA RAO.—We cannot accept it unless the Hon'ble Minister is in a position to point out when and why this amendment has been made. We cannot accept that 'gambling or wagering' as found in the particular copy to which the Hon'ble Minister refers, are the correct words, until he points out and convinces the House as to why and when those amendments were made. There is no good in claiming that his copy alone is the authority on the point. His copy is subject to printer's error as much as my copy.

Sri H. SIDDAVEERAPPA.—The position is this. I promised my friends to take pains; I took all pains

that I am capable of, but, in spite of that, I am not able to lay my hands. I leave it to the House to understand my position correctly. But I cannot possibly do anything better.

Then the next question that arose was about the definition of 'gambling', 'gaming' and several other words that are to be found. Sir, I can only say that the Law Lexicon is the authority on the subject. In Law Lexicon by Ramanatha Iyer, at page 470, it has been found that various definitions have been given. Sometimes, it is said that gambling and gaming are frequently treated as synonyms. He lays down definitely that:

> "Gambling according to the common use and understanding of that word is a generic term and includes within its meaning every act, game, and contrivance by which one intentionally exposes money or other thing of value to the risk or hazard of loss by chance."
>
> "Gaming in all its forts is too big an evil for the regulation of positive law. Subject it to that, and the event is you restrain it not at all; but the honest party suffers doubly; and the knave escapes and triumphs. The former loses, he pays; it is a debt of honour: the latter happens to lose, then the condition is changed: I would have taken, if I had won; but now, I'll pay you in law. This is gaming very high indeed."

This is the definition that is given in the Law Lexicon. As I have already said, our High Court also has clearly defined about that aspect also. Sir, I am thankful to you for having given me this opportunity to explain to the best of my ability the points raised by my Hon'ble friends. I shall indeed feel elated if at least in some measure I am able to convince them on the several important points raised by them. I should think, when all is said and done, that this Bill has been acknowledged as a very important measure which has to be put on the Statute Book as early as possible. I pray that the House may be pleased to accord its earliest approval.

*Sri M. LINGANNA.—Sir, many Hon'ble friends of this House have expressed their views and today the Hon'ble Home Minister has taken a lot of pains to enlighten us on some of the doubts that were raised by the Hon'ble Members concerned. But from a persual of the clauses even after the careful thought given to them by the Home Minister and even after so much of labour is wasted on them, one finds that there are certain errors, even verbal errors, and I, in the first instance, want to point some of the errors that are contained in the amending Clause 5 which seeks to amend Section 63 of the Mysore Police Act of 1908. I refer to amending Clause 5 (c). Section 5 (c) reads thus:

> "Whoever has the care or management of, or in any manner assists in conducting the business of any such building."

Here, to my humble opinion, there is need for some slight verbal alteration to this effect:

> "whoever has the care or management of or in any manner assists in conducting such business in any such building."

'The business of any such building' will go to show that the building itself conducts such business because business refers here to a person. So, 'such business' would be the proper word, because 'such' is going to qualify the word 'business'. From this point of view, I submit there should be some slight verbal alteration that the word 'the' should be substituted by the word 'such' and that the word 'of' should be substituted by the word 'in'. After making those alterations, the clause will read like this:

> "whoever has the care or management of or in any manner

(SRI M. LINGANNA.)

assists in conducting such business in any such building, enclosure, room, place or vehicle, opened, occupied, kept or used for the purpose aforesaid."

In sub-section (*d*) there is need to alter some words which come after the word 'gaming'. As it is it reads thus:

"advances or furnishes money for the purpose of gaming with persons frequenting any such building, enclosure, room, place or vehicle".

There should be a 'comma' after the word 'gaming', and because advancement of any money is from a person to another person, proper preposition should be used after the word 'gaming', *i.e.*, the word 'to' should be used for the word 'with'. These verbal alterations, I submit, need the careful consideration and scrutiny of the Hon'ble Minister for Home.

Apart from these verbal alterations, I wish to draw the attention of the Hon'ble Minister for Home to some of the penal sections. This particular amendment seeks to enlarge the penal provisions in regard to these offences. I wish to draw the attention of this House to the original penal section. Section 63 of the Police Act of 1908 seeks to impose a penalty or a fine only to this extent, namely, whoever commits this particular offence is fined not exceeding Rs. 500 or imprisoned for a period not exceeding one month and for keeping or opening a gaming house, the penalty that is imposed in the Original Act is 3 months' imprisonment or a fine not exceeding Rs. 200 or both. But here, Sir, so far as the penal clause is concerned, the amending section has amplified the powers of the courts thus: for several violations of conditions laid down in the particular Act, the first punishment is that it should be punished with Rs. 200 for the first offence and imprisonment for not less than one month and for second offence, it is Rs. 200 with imprisonment not less than 3 months and for the third or subsequent offence, such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees. So, here, the intention of the legislation, as I have understood with my little knowledge, is to stop this Satta business which in a way has jeopardised the poorer sections of the population of the State; not only poorer sections that come within the orbit of this particular amending Bill, but also people who can command a lot of money. Day before yesterday one of my friends was pleased to observe that even the working classes resort to this Satta business, this cotton futures lottery and thereby they lose almost all the money that they have and they have consequently come to a lot of grief and that even suicides have taken place mainly on account of this.

But viewed from this point of view, the penalty stipulated in this penal section in my humble opinion is severe. If most of the people coming from the poorer section are subject to the operation of this penal section, then we have to lessen the penalty in regard to Section 63 of the Act. I am not saying that there should not be punishment. Punishment should be given to prevent Satta or this particular wagering or gaming. From that point of view, legislation is necessary and punishment should be imposed, but it should not be repressive and it should not be too severe in the case of the poorer section of the people. Richer section can afford to pay so much fine; they can afford to pay for the advocates concerned and they get over the clutches of the penal provision in case they are booked. But where the section of the people who are really poor are concerned, this particular provision is so oppressive. That is the point I urge now.

The other section which is going to amend Mysore Act V of 1908 is in regard to "setting any birds or animals to fight in any public street or thoroughfare or in any place to which the public have, or are permitted to

have access". This section also in my view is too amplified. Section 68 of the original Act of 1908 reads thus:

> "Whoever is found setting any birds or animals to fight in any public street, place or thoroughfare or is there present aiding or abetting such public fighting of birds and animals, may be arrested by any Police Officer without a warrant, and shall be punished with imprisonment for a term not exceeding one month or with fine not exceeding fifty rupees, or with both."

This particular section is so amplified that not only this particular wagering or gaming is prohibited but also powers are given to the Magistrate that unless the contrary is proved, persons who are present, who have gathered there to watch this particular animal fighting or birds fighting are subject to the provisions of this amendment. In this particular section it is said:

> "When anything has been found on or about any person and the Court is satisfied that the Police Officer had reasonable grounds for suspecting that such a thing was an instrument of gaming such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming."

This particular provision, I submit is purely held out to be a provision that comes or operates mostly in rural parts. I know certainly that the birds fighting or animals fighting take place only in rural parts; very rarely they are resorted to as a sort of public entertainment wherein wagering or gaming is conducted. Viewing this particular amplified amending provision from the rural background, the powers conferred on the Police Officer are too ample. Because, we know that out of the people that gather on this particular occasion when birds fighting or animals fighting like ram fighting, cock fighting, etc., takes place, nearly 75 per cent gather there for the purpose of seeing the fun; for the sake of amusement they assemble there. But this particular provision gives so much of amplified power in the hands of the Police. And also to presume that the mere presence of a person on this occasion is sufficient to convict him unless the contrary is proved. I am afraid, this amplified amending provision is so penal that it needs to a certain extent toning down, because as the Home Minister is well aware, rural folk do gather there and most of them do not know the provisions under which they are going to be booked and this amplified provison would enable the Police Officers to take drastic action. From this point of view, Clause 6 which seeks to amend Section 63 of the Mysore Police Act should be toned down, and if I am not wrong, these games like birds fighting or animals fighting do go on in the rural parts with licences. From this point of view, I submit that this amending provision needs careful reconsideration because in the background and with these amplified powers given to the Police as well as to the Judiciary, it is going to cause a lot of havoc.

Sri H. SIDDAVEERAPPA.—Why are you afraid of the Police staff?

Sri M. LINGANNA.—I am only viewing it from the rural background. Because, with the amplified definition of instrument of gaming, when you view this amplified amending provision, I am afraid it needs toning down, it needs scrutiny and it needs also alterations here and there.

Sri B. NARAYANASWAMY (Mysore City — South).—Toning down; how?

Sri M. LINGANNA.—Curtail the powers given to the Police Officers and also to the Magistrates. From this point of view, the amending provision seeks to confer amplified powers on the executive as well as the judiciary. I suppose that a lot of scrutiny is

(SRI M. LINGANNA.)

needed and certain verbal alterations are to be made; this piece of legislation needs still further scrutiny and toning down. I therefore submit that this Bill be referred to a Select Committee and probably with the opinion or considered views of the Select Committee in its report, the Bill may become almost faultless and then the task of the House would be lightened from the point of view of errors. This Bill needs to be placed before the Select Committee and its opinion elicited before it is being made into law or put on the Statute Book.

Sri H. SIDDAVEERAPPA.—I feel the trend appears to be that the Bill has to be referred to a Select Committee. With your permission I would like to make this motion.

Mr. SPEAKER.—One point I would like to know. Under proviso (c) to Section 63, if a person commits an offence for the third time or for the subsequent time, the Magistrate has no discretion; he will have to inflict a punishment of six months; that is the minimum: is it not?

Sri H. SIDDAVEERAPPA.—Yes.

Mr. SPEAKER.—He has no discretion.

Sri H. SIDDAVEERAPPA.—For a third or subsequent offence, such imprisonment shall not be less than six months. That is the minimum prescribed.

Mr. SPEAKER.—Not less than that. He cannot use his discretion.

Sri H. SIDDAVEERAPPA.—It has been deliberately put there with a view to make it deterrent, just as in the case of Section 302 if a man is found guilty there cannot be a lesser punishment than death or transportation for life. It has been put in order to make it deterrent.

Mr. SPEAKER.—You feel in these circumstances that reference to Select Committee is necessary?

Sri H. SIDDAVEERAPPA.—Yes.

*Sri K. PUTTASWAMY (Srirangapatna).—My doubt is in respect of clause 5 of the amending Bill. Here as it is, do you mean that "whoever advances or furnishes money for the purpose of gaming with persons frequenting any such building, enclosure, room, place or vehicle, shall be punished? That would amount to this, that any person who advances money to a gambler, even such a person would be committing an offence. If a money-lender or a friend advances money to a person, not knowing that he would take that money to the gambling house, then even such an innocent person would be committing an offence under this Act. I want to know whether it is the intention of Government to make even innocent money-lenders liable for punishment for advancing money to gamblers, not knowing that it is intended for that purpose. If clauses (c) and (d) are treated as one clause, it would mean like this. All persons who assist in conducting a gaming house and those that advance or furnish money, would be made liable. If clause (d) is treated as a separate clause, even money-lenders would be liable for punishment.

Sri H. SIDDAVEERAPPA.—Perhaps the interpretation may not be correct. It will have to be shown that the man has knowledge of the purpose for which the money is lent; that will have to be proved by the prosecution. Therefore, that is not, I am afraid, the way of putting things.

Mr. SPEAKER.—The question is:

"That the Mysore Police (Second Amendment) Bill, 1953, be taken into consideration."

The motion was adopted.

Motion to refer.

Sri H. SIDDAVEERAPPA.—I beg to move:

"That the Mysore Police (Second Amendment) Bill, 1953, be referred to a Select Committee consisting of—

Sriyuts—

A. Bheemappa Naik.
R. Anantaraman.
J. Mohamed Imam.
K. Pattabhiraman.
B. Narayanaswamy.
L. Siddappa.
M. V. Rama Rao.
D. Devaraj Urs.
K. V. Shankara Gowda.
G. A. Thimmappa Gowda.
M. Linganna.
B. T. Kemparaj.

and the mover, with instructions to report to this House on or within Wednesday the 22nd July 1953."

Mr. SPEAKER.—There is another motion.

Sri J. MOHAMED IMAM.—I am not moving.

Mr. SPEAKER.—Motion moved:

"That the Mysore Police (Second Amendment) Bill, 1953, be referred to a Select Committee consisting of—

Sriyuts—

A. Bheemappa Naik.
R. Anantaraman.
J. Mohamed Imam.
K. Pattabhiraman.
B. Narayanaswamy.
L. Siddappa.
M. V. Rama Rao.
D. Devaraj Urs.
K. V. Shankara Gowda.
G. A. Thimmappa Gowda.
M. Linganna.
B. T. Kemparaj.

and the mover, with instructions to report to this House on or within Wednesday the 22nd July 1953."

4-30 P.M.

Sri M. V. RAMA RAO.—With regard to this I beg to be excused. In view of the fact that the report should be ready within Wednesday, I am afraid I will not be able to find time.

Sri B. NARAYANASWAMY.—It is Sri Rama Rao who has gone through this in detail and I hope and request that he will make up his mind to serve on the committee.

Sri A. BHEEMAPPA NAIK.—The Council is closing very soon and it is very necessary that we put this Bill before the Council and get it passed. It should become law in this Session itself. I request Sri Rama Rao to agree to become a member on the Committee and give his valuable contribution.

Sri K. PATTABHIRAMAN.—All sections of the House are unanimous that Sri Rama Rao should consider serving on this committee and give his valuable suggestions.

Sri M. V. RAMA RAO.—Of course, all of us should assist the House and any of its committees in its work. The Committee should meet tomorrow or the day after. But it so happens that I will not be able to devote any of my time to it. If the Select Committee desires to hear me further, or they want more of my views than I have placed before this House, I am always willing to appear before them.

Mr. SPEAKER.—The question is:

"That the Mysore Police (Second Amendment) Bill, 1953, be referred to a Select Committee consisting of the following members:—

Sriyuts—

A. Bheemappa Naik.
R. Anantaraman.
J. Mohamed Imam.
K. Pattabhiraman.
B. Narayanaswamy.
L. Siddappa.
D. Devaraj Urs.
K. V. Shankara Gowda.
G. A. Thimmappa Gowda.
H. Linganna.
B. T. Kemparaj.

The motion was adopted.

Mr. SPEAKER.—According to Rule 57 of the Rules of Procedure and Conduct of Business, I appoint the Hon'ble Minister for Law as the Chairman of the Committee, with the direction that the Select Committee submit its report on Wednesday the 22nd instant.

Appeal by the Minister for Law and Education in respect of the Development Loan floated by Government.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Before taking up the Appropriation Bill, with the permission of the Chair, I want to appeal to the House and to the public about the Development Loan in a few words on behalf of the Government.

Mr. SPEAKER.—There are twenty minutes more. You should not exceed.....

Sri J. MOHAMED IMAM (Jagalur).—Sir, I submitted the other day that we must have sufficient time to discuss this very important Bill—the Appropriation Bill. Unfortunately again, this Bill is likely to be taken at a very late hour. We have hardly twenty minutes and it is insufficient. Moreover, the Finance Minister is not here.

Mr. SPEAKER.—He will come in the meanwhile. He assured me that he will be coming.

Sri J. MOHAMED IMAM.—The time at our disposal is very little.

Mr. SPEAKER.—If the Appropriation Bill is now taken, there will not be sufficient time, and the discussion will have to be closed by 5 P.M. In fairness, I should suggest that this Bill may be taken up tomorrow.

Sri A. G. RAMACHANDRA RAO.—It may be taken up as the first item on the agenda tomorrow, Sir.

Sri J. MOHAMED IMAM.—Sir, I had a talk with the Leader of the House with regard to our future programme.....

Mr. SPEAKER.—The Leader of the House will announce it tomorrow, when we will come to a definite conclusion regarding our future programme.

Sri A. G. RAMACHANDRA RAO.—With the permission of the Chair, I make an appeal to the public regarding the Development Loan. This is the first loan floated in respect of the Five-Year Plan. Simultaneously, with the floating of the Mysore loan, both Madras and Bombay have floated loans. So far as the Mysore loan is concerned, the experience has been .....

Sri S. GOPALA GOWDA (Sagar-Hosanagar).—Is there a motion before this House?

Mr. SPEAKER.—No. Regarding the raising of the loan, the Minister is making an appeal. I have permitted it. This is not a subject for discussion.

Sri MULKA GOVINDA REDDY (Chitaldrug).—Will that statement be subject to discussion.

Mr. SPEAKER.—No.

Sri T. MARIAPPA (Mysore City-North).—Can we join the Hon'ble Minister in appealing to the country for subscribing to the loan? The Government will have the backing of the House.

Mr. SPEAKER.—You may.

Sri A. G. RAMACHANDRA RAO.—So far, the experience of Mysore has been that in almost every loan, ninety per cent used to come from Madras and Bombay and Mysore used to contribute ten per cent. Now that Bombay and Madras have got their own loans, I do not think that we will have the same response that we used to have. Therefore, we want to make a special appeal to all the Members of this House and the public at large to make their level best to see that the loan becomes a success. Further, so far, the subscriptions, though I do not know the exact figures, have been coming all right and the response has been good. But it does require a

special effort on the part of all of us to show that Mysore can stand on her own legs even though we expect a similar measure of co-operation as before from the nneighbouring States. I once again appeal to the public, to the Hon'ble Members of the House and to the Ministers to do their best to see that the loan becomes a success.

Sri M. V. RAMA RAO (Tumkur).—On a point of information, Sir. May I know from the Hon'ble Minister whether it is true that no notification by the Government of India declaring this particular loan as an approved security within the meaning of the Insurance Act has been issued and that for this reason, the Insurance Companies, which otherwise were quite willing to make a contribution and subscribe to this loan, have been pleading their inability to do so? Is that a fact?

Sri A. G. RAMACHANDRA RAO.—That is a point on which I have to enquire and take the House into confidence. Just at present I have no information.

Sri M. V. RAMA RAO.—Is the Hon'ble Minister in a position to tell us what is the position in regard to this loan today? How much of it has been subscribed?

Sri A. G. RAMACHANDRA RAO.—I am not able to give any definite information. It is moving fairly well. That is what I am told. The Hon'ble Finance Minister himself would have come here and given you more particulars. He is just now coming. I do not know the figures and the exact position.

Sri M. V. RAMA RAO.—Is it not a fact that it has not been stated categorically that the 4 per cent income tax free loan, 1953—subject to correction—is going to be redeemed on the due date? Is that the correct position?

Sri K. HANUMANTHAIYA (Chief Minister and Minister for Finance).—I have already said, Sir, it is under consideration. Any discussion on that subject at this stage would not be worthwhile because it is under consideration. I may also throw a hint that whatever was the understanding when the loan was floated will be adhered to.

Sri M. V. RAMA RAO.—We are not having any discussion on that point but on Government's efforts in securing this loan. There is considerable doubt in the minds of the investing public that this loan is going to survive the date on which it is due to be redeemed. If it is a fact, then it is only natural that people would not like to invest money on the 4 per cent loan with income tax in preference to the 4 per cent free of income tax loan.

Sri K. HANUMANTHAIYA.—In fact this point was present in my mind when I held the Press Conference and I categorically made a statement on that day and even now I made that statement.

Sri J. MOHAMED IMAM.—Can the Finance Minister give an indication as to the amount subscribed so far, if it is within his knowledge?

*Sri K. HANUMANTHAIYA.—Since the closing time has not come, it would not be right to make an interim statement. But I can take the House into my confidence to this extent that the loan has not been fully subscribed yet. To what extent it has been subscribed I have to get information from all over India, in fact. Therefore, Sir, I make an appeal to the Members of this House as also to people of Mysore and friends of Mysore to contribute to this loan and I am sure they will rise to the occasion.

Sri J. MOHAMED IMAM.—We do not want to keep the Government in any embarrassing position. You can be rest assured that so far as our part is concerned regarding the raising of this loan, you have our good-wishes and co-operation. Regarding other factors, I will take another occasion tomorrow to place my views. I am confident that somehow or other, the full amount of the

(SRI J. MOHAMED IMAM).

loan will be realised. But how it should be spent, what are the means to be adopted, I will express my views about them tomorrow.

Sri K. HANUMANTHAIYA.—Even now you can briefly state what you have got to say in about 5 or 10 minutes.

Mr. SPEAKER.—While offering his remarks on the Appropriation Bill, he would like to express his views. He does not come in the way of the Government realising this amount.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ — ಈಗ ತಾವು ಕೇಳುತ್ತಿರುವ ಸಾಲ ತಮಗೆ ಬೇಗ ದೊರೆಯುವಂತೆ ಮಾಡಲು, ಅದಕ್ಕೆ ಒಂದು ದಿವಸವನ್ನು ಗೊತ್ತುಮಾಡಿ ಸಾರ್ವಜನಿಕರೆಲ್ಲರೂ, ಆ ದಿವಸ ಈ ಶ್ರೀಮಂತರಿಗೆ ಪ್ರಾರ್ಥನೆ ಮಾಡುವಂತೆ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಮಾಡಬಹುದಲ್ಲವೇ ?

ಶ್ರೀ ಕೆ. ಹನುಮಂತಯ್ಯ.—ನಾವು ಈಗ ಎತ್ತಲಿಕ್ಕೆ ಪ್ರಾರಂಭಿಸಿರುವ ಸಾಲದ ಸುದ್ದಿಯನ್ನು ಹೊರಗೆಡಹಿದ ವೇಳೆಯಲ್ಲೇ ತಾವು ಹೇಳಿದ ಹಾಗೆ ಎಲ್ಲ ಬ್ಯಾಂಕರ್ಸ್‌ಗಳಿಗೂ ಮತ್ತು ಸಾರ್ವಜನಿಕರುಗಳಿಗೂ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಂಡಾಗಿದೆ. ಆದರೆ ತಾವು ಹೇಳಿದಂತೆ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

*Sri A. BHEEMAPPA NAIK (Molakalmuru).—Sri Rama Rao's question I wanted to put myself and it has been answered. Anyway, even though it has not been included among the approved securities, we can leave it to the Government of Mysore to press on the Government of India to include it in the approved securities as early as possible. But that should not deter every Member of this House to do his very best and not only subscribe himself but also induce the general public to do their best in this respect. I hear that the Bank of Mysore have been coming forward to advance some loans in this respect. If we contribute a little quota, they come forward with a heavy loan for taking the bonds. Another thing is, after all, the rate of interest in Mysore Bank will be almost the same rate of interest that we are going to get here. Therefore, it would not be burdensome on any one of us to come forward and see that this loan is subscribed.

Sri MULKA GOVINDA REDDY.—Mysore Bank will charge 7 per cent.

Sri A. BHEEMAPPA NAIK.—I am told reliably that the rate of interest on this particular bond will not be higher than what we have received. Therefore I am told that it would not be difficult for us and by subscribing to whatever loan that Government has floated with whatever cash we have, we will be helping the Government of Mysore to a very great extent. I appeal to every Member of this House to come forward and take these loan bonds. I also appeal to the Government of Mysore to press on the Government of India to accord the necessary permission to treat this loan as approved security so that we may approach several Insurance Companies to come forward with their amounts.

Mr. SPEAKER.—Tomorrow after the question hour, the first business would be the consideration of the Appropriation Bill. The House will now rise for the day and meet tomorrow at 12 NOON.

The House adjourned at Fifty Minutes past Four of the Clock to meet again on Tuesday, the 21st July 1953 at Twelve of the Clock.

WD 4516—GPB—500—11-2-54